

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Criminal Action No. 07-26-SLR
	:	
EARL WALLACE	:	
	:	
Defendant.	:	

**DEFENDANT'S PROPOSED VOIR DIRE QUESTIONS**

Earl Wallace, by his undersigned counsel, Eleni Kousoulis, Assistant Federal Public Defender, hereby requests the Court to ask the following questions during voir dire of the jury panel, in addition to the Court's standard voir dire inquiry:

1. Do you know anything at all about the facts of this case? Have you heard anything about this case since you arrived at the courthouse?
2. Have you already formed an opinion as to Mr. Wallace's guilt or innocence in this case?
3. Do you believe that because it is the government that is proceeding with this prosecution, that Mr. Wallace therefore must be guilty?
4. Have you ever been a juror before? If yes, where, when, and in what type of case (civil or criminal)?
  - (a) Were you able to reach a verdict?
  - (b) If so, after the verdict, did anyone (including court personnel, attorneys, the judge, *et cetera*) say anything to you that called into question the correctness of the verdict?

5. Have you, or has anyone close to you, ever been the victim of a crime, or participated in a criminal case as a complainant, witness for the government, or in some other capacity?

6. Have you, or has anyone close to you, ever been involved in law enforcement?

7. Do you believe that the testimony of law enforcement officers, because of their status as law enforcement officers, should be given more weight than the average citizen?

8. The indictment is not evidence of any kind. It merely describes the charges against Mr. Wallace. It is an accusation. You must not consider the indictment as any evidence of guilt nor should you draw any inferences of guilt from it. Does anyone have difficulty following this instruction?

9. Mr. Wallace is presumed to be innocent of all charges. That presumption remains throughout the entire trial unless a jury unanimously finds Mr. Wallace guilty beyond a reasonable doubt. Would anyone have difficulty following this instruction?

10. Do any of you believe that it is the responsibility of the person accused to prove their innocence?

11. Mr. Wallace has a constitutional right not to testify. Would you hold it against Mr. Wallace if he chose not to testify in this case?

12. Do you think that someone accused of a crime should present a defense?

13. Mr. Wallace is charged in this case with Possession of a Firearm Not Identified by a Serial Number. Is there anything about the nature of this charge that would prevent you from being fair and impartial?

14. Do you have any attitudes or beliefs which you feel would make it difficult for you to give a fair trial to all sides in a matter, in which the accusation involves an allegation involving a firearm?

15. Are you or have you ever been a member of the National Rifle Association? If so, is there anything about that affiliation, that would prevent you from being a fair and impartial juror in this case?

16. In order to reach a verdict, jurors must reach the same conclusion. In deliberations you must consider the opinions and points of your fellow jurors, but in the final analysis you must follow your own conscience and be personally satisfied with the verdict.

Will any of you have difficulty expressing your own opinions and thoughts about this case to your fellow jurors?

Do any of you feel that you will tend to go along with the majority of jurors even if you don't agree just because you are in the minority?

17. Does the fact that this case has been brought in federal court instead of state court affect your ability to be fair and impartial in this case?

18. Do you know of any reason why you may be unable to be a fair and impartial juror in this case, based on the nature of the charges or otherwise?

Respectfully submitted,

/s/

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